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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,518	08/15/2001	Christopher E. Woods	102138-200	2145

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WIGGIN AND DANA LLP
ATTENTION: PATENT DOCKETING
ONE CENTURY TOWER, P.O. BOX 1832
NEW HAVEN, CT 06508-1832

EXAMINER

POPHAM, JEFFREY D

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/930,518	Applicant(s) WOODS, CHRISTOPHER ET AL.	
	Examiner Jeffrey D. Popham	Art Unit 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 1-13 and 25-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 14-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Remarks

Claims 1-31 are pending.

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-13 and 25-27, drawn to a method access on consent by an authority.
- II. Claims 14-24, drawn to a method for providing data to a third party.
- III. Claims 28-31, drawn to a method for creating a meta-directory.

Inventions I, II, and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable.

In the instant case, invention I has separate utility such as use in a system that prevents minors from downloading movies that are rated R.

In the instant case, invention II has separate utility such as controlling admission to a list server.

In the instant case, invention III has separate utility such as use in a system that uses 2 authorities to allow access to information.

See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and the search required for Group I contains classification 709/229, which is not required for Groups II and III, the search required for Group II contains classification

709/206, which is not required for Groups I and III, and the search required for Group III contains the classification 707/102, which is not required for groups I and II, restriction for examination purposes as indicated is proper.

2. During a telephone conversation with Gregory Rosenblatt on 3/17/05 a provisional election was made with traverse to prosecute the invention of Group 2, claims 14-24. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-13 and 25-31 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:

- Figure 1: 12.
- Figure 2: 30.
- Figure 4: 68, 70, 72, 74, and 76.
- Figure 5: 102, 104, 106, 108, 112, 114, 116, 118, 120, 122, and 126.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures

appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claims 18 and 22 are objected to under 37 CFR 1.75(a) because of the following informalities:

- Claim 18, line 2: "on non-related data bases" should be "of non-related data bases".
- Claim 22, lines 2-5: "tracks subscriptions" should be "tracking subscriptions", "enters and edits personal profile" should be "entering and editing personal profile", "records and up-dates delivery" should be "recording and up-dating delivery", and "controls and monitors email" should be "controlling and monitoring email".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 14-17 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Aieta et al. (U.S. Patent 6,269,349).

Regarding Claim 14,

Aieta et al. disclose a method for a host [bonding agent] to provide known data about an entity [client] to a third party [server] pursuant to the entity's authorization, comprising the steps of:

Providing a means for the third party to recognize the entity as a member of a service of the host (Column 7, lines 14-22);

Responsive to the recognition, the host receiving a request from the third party for specific information about the entity (Column 7, lines 22-25);

The host surveying at least one data repository for the specific information about the entity (Column 7, lines 35-39);

The host displaying the specific information about the entity to the entity and requesting authorization from the entity to provide at least a portion of the specific information to the third party (Column 7, lines 40-47); and

Responsive to an opting in of the entity, the host providing at least a portion of the specific information to the third party (Column 7, lines 47-61).

Regarding Claim 15,

Aieta et al. disclose that the host, the entity, and the third party are interconnected via an integrated network of computers (Column 4, lines 31-38).

Regarding Claim 16,

Aieta et al. disclose that the third party is provided with an indication that the entity is a member of the service of the host via digitally transmitted data (Column 7, lines 14-22).

Regarding Claim 17,

Aieta et al. disclose that the digitally transmitted data is a cookie embedded with in the entity's computer's memory (Column 6, line 65 to Column 7, line 3).

Regarding Claim 20,

Aieta et al. disclose that the host further classifies the specific information into a plurality of categories and the entity may opt to provide information classified within one or more of the plurality of categories (Column 4, lines 62-66).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aieta et al. in view of Watson (U.S. Patent 5,303,244).

Regarding Claim 18,

Aieta et al. do not disclose that the specific information is located on a plurality of non-related databases.

Watson, however, discloses that the specific information is located on a plurality of non-related databases (Column 2, line 39 to Column 3, line 4). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the fault tolerant disk drive matrix of Watson into the privacy protection system of Aieta et al. in order to reconstruct lost data if any drive fails, without forcing the user to input the lost data again.

Regarding Claim 19,

Aieta et al. do not disclose that no single data base contains all of the specific information.

Watson, however, discloses that not one of the non-related data bases contains all of the specific information (Column 2, line 39 to Column

3, line 4). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the fault tolerant disk drive matrix of Watson into the privacy protection system of Aieta et al. in order to reconstruct lost data if any drive fails, without forcing the user to input the lost data again.

7. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aieta et al. in view of Veldhuisen (U.S. Patent 6,480,850).

Aieta et al. do not disclose the specific makeup of the categories.

Veldhuisen, however, discloses that the categories are selected from the group including permission and privacy information [privacy preferences], contact information [phone and address], descriptive information [demographic], preference information [navigation and transaction histories], and account information [financial account] (Column 7, lines 4-26). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the privacy management system of Veldhuisen into the privacy protection system of Aieta et al. in order to allow the user to consent to the release of information from certain categories to specific types of third parties, but change the release information for other types of third parties.

8. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aieta et al. in view of Veldhuisen, further in view of Bradshaw et al. (U.S. Patent 5,835,722).

Aieta et al. disclose that the host further provides services selected from the group consisting of managing and editing permission levels (Column 8, lines 12-24), but do not disclose editing business information, up-dating delivery information, tracking subscriptions or monitoring email and access provided to children.

Veldhuisen, however, discloses entering and editing personal profile information and client or business information (Column 7, lines 4-26), and recording and up-dating delivery information (Column 5, lines 20-23 and Column 7, lines 4-26). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the privacy management system of Veldhuisen into the privacy protection system of Aieta et al. in order to allow the user to consent to the release of information from certain categories to specific types of third parties, but change the release information for other types of third parties.

Veldhuisen does not disclose tracking subscriptions or monitoring email and access provided to children.

Bradshaw et al., however, disclose tracking subscriptions to email letters and notifications (Column 11, line 60 to Column 12, line 2), and controlling and monitoring email and access provided to children (Column 5, lines 26-41 and Column 6, lines 56-59). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the content control system of Bradshaw et al. into the privacy protection system of Aieta et al. as modified by

Veldhuisen in order to allow the system to detect and prevent unwanted access to certain information, at the control of an authority (such as a parent or supervisor).

9. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aieta et al. in view of "The Code of Fair Information Practices" and "P3P Guiding Principles".

Regarding Claim 23,

Aieta et al. do not disclose that the third party conforms to conditions of the host prior to being granted access to specific information.

"The Code of Fair Information Practices", however, discloses that the third party conforms to conditions of the host prior to being granted access to any of the specific information (Numeral 5). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the code of "The Code of Fair Information Practices" into the privacy protection system of Aieta et al. in order to preserve trust between the host and the user, as well as protect privacy of the user ("P3P Guiding Principles", Page 2, Paragraph 1).

Regarding Claim 24,

Aieta et al. do not disclose conditions of the host.

"The Code of Fair Information Practices", however, discloses that the conditions of the host include responsible use of personal information

(Numeral 5). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the code of "The Code of Fair Information Practices" into the privacy protection system of Aieta et al. in order to preserve trust between the host and the user, as well as protect privacy of the user ("P3P Guiding Principles", Page 2, Paragraph 1).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey D. Popham whose telephone number is (571)-272-7215. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER**